

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:11-cr-099

Also Case No. 1:13-cv-123

-vs-

Chief Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

:

RODNEY RIDDLE,

Defendant.

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**DECISION AND ORDER DENYING MOTION FOR DEFAULT  
JUDGMENT**

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This case is before the Court on Defendant's Motion for Default Judgment in his favor (Doc. No. 112). In it he asserts that the United States failed to file an answer as required by the Court's Order for Answer (Doc. No. 103).

The Court's Order for Answer provided that an answer to the § 2255 Motion was to be filed not later than May 5, 2013. *Id.* at PageID 805. The docket reflects that the Government's Answer was in fact filed on May 3, 2013 (Doc. No. 111). The Answer contains a Certificate of Service stating that it was mailed to Defendant on the same day. *Id.* at PageID 864.

Defendant also claims the Government "failed to provide Rodney Riddle with a copy of the docket and other materials as ordered in the Court's Supplemental Order (Doc. No. 108.)" (Motion, Doc. No. 112, PageID 865). Doc. No. 108 is a motion by Mr. Riddle, not an order from the Court. The relevant document is Doc. No. 106 which was entered by the Clerk in this case in error – it refers to a "state court record" as would be required in a habeas corpus case under 28

U.S.C. § 2254. The Supplement to Order for Answer is VACATED.

Defendant is reminded that his reply or traverse to the Government's Answer is required to be filed not later than May 28, 2013.

May 8, 2013.

s/ *Michael R. Merz*  
United States Magistrate Judge